

1 college and sometimes I teach Saturday classes. I didn't
2 right then. But if I'm available, then I take a Saturday if
3 a person needs to see me on a Saturday.

4 BY MR. KNOWLES-KELLETT:

5 Q Okay, is there some reason you wouldn't cross out
6 Saturday?

7 A No, sir, I would just list an appointment if I had
8 it.

9 Q Okay. Turning to the next few pages, seven,
10 eight, nine and 10, what's significant about those pages?

11 Can you first tell us what are those pages? What
12 are we looking at?

13 A Those are copies of our check register of an
14 account that we use both personally and for business at that
15 time.

16 Q So these are check stubs?

17 A Yes.

18 Q And looking at the check stub 8805, is that
19 significant?

20 A Yes, sir. That's a contribution to my church,
21 Medicreek Church for \$125 made on the 19th, which was
22 Wednesday.

23 Q So why is that significant?

24 A Because that contribution would have been made on
25 Sunday if we were in town, but we weren't, so we made it on

1 Wednesday.

2 Q Okay. Looking at 8813.

3 A Yes, sir.

4 Q It appears to be another check to the church on
5 Wednesday?

6 A Yes, sir, that was a \$9 charge of church supper;
7 \$3 a head for myself, my wife and Melissa, that we paid the
8 church that night for dinner on Wednesday evening.

9 Q Is there any significance to 8814?

10 A No, sir. That was a draw that Norma took weekly
11 out of our account. I'm sure we took it for money to travel
12 on or to spend, not necessarily travel on.

13 Q So that's not necessarily significant?

14 A No, sir.

15 Q Okay. And then there are no checks written at the
16 time you were Mesquite -- in Junction, Texas?

17 A No, sir, the next check is 6-25.

18 Q Okay. Turning to page 11.

19 A Yes, sir.

20 Q It appears that it was a telephone call on 6-21 to
21 Junction, Texas. Is that significant?

22 JUDGE STEINBERG: Okay, are you talking about in-
23 state long distance direct dial call No. 7?

24 THE WITNESS: Yes, sir.

25 MR. KNOWLES-KELLETT: yes, sir.

1 THE WITNESS: Okay, I'm to answer?

2 MR. KNOWLES-KELLETT: Yes, please.

3 THE WITNESS: Yes, sir, that's significant. My
4 aunt, who at that point was 85 years old. We always called
5 her before we came to let her know we were coming, but we
6 never called until the day we went because if we called her
7 a day or two earlier she would be looking for us the day we
8 called. That was the call I made that morning to her to
9 say, "Auntie, we're coming today."

10 BY MR. KNOWLES-KELLETT:

11 Q Okay, and page 12, I believe this is your charge
12 card bill for the month?

13 A American Express.

14 Q American Express?

15 A Yes, sir.

16 Q And I believe when you showed me these documents
17 before your testimony today I asked you to redact your
18 account number.

19 A Yes, sir.

20 Q You've done that?

21 A Yes, sir.

22 Q Okay. Could you explain what else is -- have you
23 altered this document in any other way?

24 A No, sir.

25 MR. KNOWLES-KELLETT: Okay. I would like the

1 record to reflect, I just did that for --

2 JUDGE STEINBERG: That's fine.

3 MR. KNOWLES-KELLETT: -- privacy reasons.

4 BY MR. KNOWLES-KELLETT:

5 Q And is it true you have the original of this with
6 you today?

7 A My attorney has.

8 Q Okay.

9 MR. KNOWLES-KELLETT: If for any reason anybody
10 needs to see the original, that's fine. We would just
11 rather that the record only has the redacted version.

12 BY MR. KNOWLES-KELLETT:

13 Q Okay, any significance to any of the changes on
14 that?

15 A Yes, sir. I see on 6-21, Dickie's Barbecue, which
16 is a barbecue place in Mesquite.

17 Q Okay.

18 A Where we probably had lunch that day before we
19 left.

20 Q Okay.

21 A And then I see a charge at the Texaco station on
22 1977 North Main in Junction, Texas, on the 23rd. That's
23 where we gassed up to come back.

24 Q Okay.

25 A That's Sunday.

1 Q Okay, page 13.

2 A Yes, sir.

3 Q I think that's the same changes you have --

4 A That's the backup slips from those charges.

5 Q Okay. And page 14?

6 A Yes, sir.

7 Q What is significant on that page?

8 A You seem item number two is a telephone call at
9 4:43 p.m. from my home phone to Junction, Texas, to tell
10 Auntie that we had arrived safely.

11 Q So this would -- you would have come back to
12 Mesquite on Sunday?

13 A Yes, sir. We would have arrived just about that
14 time because she always worries about us when we are on the
15 road, and we always would call back and say we made it,
16 don't worry anymore. So that would be close to our arrival
17 time back in Mesquite.

18 JUDGE STEINBERG: Does seem to be a universal
19 concern. I mean, your aunt is 85, was 85 then, and how old
20 were you then?

21 THE WITNESS: Oh, let's see now. I hate to tell
22 my age, Judge.

23 JUDGE STEINBERG: Well, if you don't want to, then
24 I wouldn't ask the question.

25 THE WITNESS: Ninety-six, was that the year? I

1 was born in '42. What does that make me?

2 JUDGE STEINBERG: Fifty-nine.

3 THE WITNESS: Yes, Your Honor.

4 JUDGE STEINBERG: Because I wasn't born very much
5 from '42 either, so I can --

6 THE WITNESS: I look a lot older than you.

7 JUDGE STEINBERG: Well, you know, wearing a dress,
8 a black dress makes me look younger.

9 (Laughter.)

10 JUDGE STEINBERG: Never mind.

11 THE WITNESS: Okay.

12 JUDGE STEINBERG: I mean, I'm still calling my
13 father telling him I get home okay.

14 THE WITNESS: She's 90 now. She still lives with
15 us. She still lives with us.

16 JUDGE STEINBERG: Okay, I'm sorry, I broke up
17 the --

18 BY MR. KNOWLES-KELLETT:

19 Q So from all of these documents are you convinced
20 that you were in Junction, Texas that weekend?

21 A I'm absolutely positive.

22 JUDGE STEINBERG: Do you want to delete your
23 account number from the telephone bill on page 11?

24 THE WITNESS: I don't know. Is that --

25 JUDGE STEINBERG: I don't know. You would have to

1 take a look at it and see if it's anything that --

2 THE WITNESS: We discussed that.

3 JUDGE STEINBERG: There is an account number and
4 there is a location account number. I don't want anything
5 to be in here that you might have overlooked.

6 THE WITNESS: Could someone do something with
7 that? I don't know.

8 JUDGE STEINBERG: I don't know either. Well, you
9 think about it.

10 THE WITNESS: Okay.

11 MR. KNOWLES-KELLETT: Okay, I would like to move
12 the admission of EB-70.

13 JUDGE STEINBERG: Any objection?

14 MR. ROMNEY: Clearly we have objection. It's
15 untimely. It's also, to excuse the expression, I think a
16 farce. It has nothing to prove. It has no probative value
17 whatsoever as to the issues in this case.

18 MR. PEDIGO: Can I see how you rule on that then?

19 (Laughter.)

20 JUDGE STEINBERG: Well, this is -- am I turning
21 red about now?

22 MR. KNOWLES-KELLETT: Could I ask --

23 MR. PEDIGO: I mean, in all seriousness, Your
24 Honor, I must follow Mr. Romney. This shows -- objection.
25 Untimely, and I'll just leave it at that right now.

1 JUDGE STEINBERG: Who is it frivolous?

2 MR. ROMNEY: Well, this man was deposed at length
3 and no mention of him being away with a sick aunt ever came
4 up in that deposition. Clearly, there was opportunity for
5 him to have stated that, and there were numerous questions
6 about this issue. This stuff is brought in at the very last
7 moment to supply some sort of an alibi which clearly should
8 have been brought to the attention of counsel way before
9 this time. It's obvious that Mr. Kellett knew about it this
10 morning, and I would imagine he knew about it some time
11 before that too.

12 We would certainly argue that it's untimely. We
13 certainly have issues about the kind of documentation here.
14 We have other issues pertaining to the relevance of this
15 type of evidence in this particular case, Your Honor.

16 MR. KNOWLES-KELLETT: Can I ask a couple of
17 questions that might help you to make a ruling, Your Honor?

18 JUDGE STEINBERG: Those you should have asked
19 before you offered it.

20 I will let Mr. -- clearly --

21 MR. KNOWLES-KELLETT: Could I respond then?

22 JUDGE STEINBERG: Yes.

23 MR. KNOWLES-KELLETT: Okay. These documents, Your
24 Honor, the witness has had a chance, because he's been
25 cooling his heels for a week --

1 JUDGE STEINBERG: Wait a minute. Wait, wait,
2 wait. I think we ought to exclude the witness if you are
3 going to make the kind of argument I anticipate you are
4 going to make.

5 MR. KNOWLES-KELLETT: Okay.

6 JUDGE STEINBERG: If you will just step out in the
7 hall.

8 THE WITNESS: May I go to the rest room?

9 JUDGE STEINBERG: Sure. Do you want to take a
10 break now? Let's do this and then we will take a break.

11 You can go to the rest room.

12 THE WITNESS: Okay.

13 JUDGE STEINBERG: And then we'll take a break.

14 (Witness temporarily excused from witness stand.)

15 MR. KNOWLES-KELLETT: Okay, Your Honor. I am not
16 aware of any discovery request for documents from Mr.
17 Brasher or from -- from either of the Mr. Brashers to Mr.
18 Sumpter. So in terms of timeliness of documents, I think
19 this is perfectly timely.

20 In terms of inclusion in our direct case, we were
21 wholly unaware of these documents until, I believe, over the
22 weekend. We were aware of their existence, and yesterday
23 the originals arrived. And we didn't see the originals
24 until this morning.

25 So in terms of timeliness, I think it's perfectly

1 timely. You know, it's not like we withheld it from our
2 direct case when it was exchanged, and it just corroborates
3 his story, and it's credibly probative, and that's what we
4 are after here.

5 MR. MCVEIGH: Your Honor, if it will help, I spent
6 part of yesterday morning chasing a Federal Express truck to
7 get the originals. The originals arrived here at noontime
8 yesterday. I can also -- I can also speak to the
9 circumstances under which the existence of the documents
10 came to my client's attention.

11 JUDGE STEINBERG: Well, when did your client know,
12 perhaps we should ask him, and this is why I didn't want
13 have him in the room because I don't want anybody providing
14 the answers for him, when did he know that he was in
15 Junction on 6-22-96?

16 THE WITNESS: I believe that Norma Sumpter had a
17 recollection of it has Thursday morning.

18 MR. KNOWLES-KELLETT: And they asked Jennifer to
19 look for documents, look at their appointment book and look
20 at the charge accounts and checking accounts over the
21 weekend, Your Honor, when she returned home.

22 Now, there might be an issue of timeliness, but
23 unless they are not going to ask her any -- it certainly
24 comes in in rebuttal on Norma Sumpter tomorrow if they ask
25 her if she signed the client copies.

1 JUDGE STEINBERG: I don't get that. Let me
2 withhold ruling on this. I want to think about it. The
3 thing that disturbs me the most about this is that the
4 direct case exchange data, I believe, is February 5th.

5 MR. KNOWLES-KELLETT: Right.

6 JUDGE STEINBERG: And this is --

7 MR. KNOWLES-KELLETT: The Bureau exchanged in a
8 timely manner and we accepted all their exhibits late.

9 JUDGE STEINBERG: Wait, you interrupted me.

10 MR. KNOWLES-KELLETT: Pardon me.

11 JUDGE STEINBERG: The direct exhibit exchange date
12 was January 5th, and you were supposed to exchange all of
13 your direct case exhibits on January 5th. And this is
14 clearly a direct case exhibit, and my problem is that I
15 don't know that it's very fair to the other side to present,
16 to be presented with this at the last moment.

17 You have got Mr. Sumpter's testimony. But I --
18 I'm just going to think about it for awhile because the
19 objectors have good points. But then on the other hand, if
20 I'm supposed to file a full and complete record, this might
21 add to it, and Mr. Romney and Mr. Pedigo will have all the
22 time you need to look at these documents and formulate
23 cross-examination with respect to them if I receive the
24 exhibit.

25 So let's take a 15-minute -- okay, you want --

1 MR. KNOWLES-KELLETT: Could I respond just as
2 little bit?

3 JUDGE STEINBERG: Last word.

4 MR. KNOWLES-KELLETT: Okay.

5 JUDGE STEINBERG: Well, not last word.

6 MR. PEDIGO: Well, if you are going to reserve
7 your ruling, that's fine, because there are some other
8 surprise issues that -- we are here in Washington after all
9 this submission of here is what our story is. And now that
10 we are here and don't get these documents and a chance to
11 way, wait a minute, this doesn't make sense. That's part of
12 the unfairness to the surprise.

13 But if you are going reserve ruling, we will wait
14 until --

15 MR. MCVEIGH: Your Honor, if I may. The
16 introduction of these documents is in no way inconsistent
17 with the position that my clients have taken, that they have
18 never signed these applications. And I would like to
19 reserve the right that if you don't allow them in by Bureau
20 counsel, for me to put them in at the end when I question my
21 clients.

22 MR. KNOWLES-KELLETT: Also, Your Honor, there has
23 been substantial testimony from the Brashers earlier this
24 week about a signing of pages 200 -- by Norma -- page 200 in
25 Exhibit 19, by Norma Sumpter on the kitchen table at their

1 house. This is clearly within the scope of the rebuttal
2 that the Commission would get from this witness.

3 MR. PEDIGO: And Your Honor --

4 JUDGE STEINBERG: Wait, wait.

5 MR. KNOWLES-KELLETT: And he shouldn't have to fly
6 back.

7 JUDGE STEINBERG: Let me hear from -- and then we
8 will take a break.

9 MR. ROMNEY: For Mr. McVeigh?

10 JUDGE STEINBERG: No, no, from you, if you want to
11 say anything more.

12 MR. ROMNEY: Well, yes, I would say something
13 more.

14 Number one, these come in the form of surprise.
15 These witnesses were deposed. These witnesses were asked
16 questions. Whether there was a request for documents is
17 irrelevant in light of the exchange of the direct case
18 documents, Your Honor. But these witnesses were questioned
19 about these issues, but this never came up.

20 And so, I mean, from an impeachment standpoint,
21 obviously we have the ability to impeach. But to drag out
22 this kind of stuff which doesn't show anything about being
23 in Junction, Texas on the 22nd, number one. There is
24 nothing in here he said about being there on the 22nd.
25 Number two, it doesn't say -- this doesn't show that Norma

1 was there. These documents don't go to those issues. And
2 obviously there is other questions I will be more than happy
3 to present on my cross-examination of the witness.

4 And I would also add, Your Honor, that it would
5 appear to me that this issue of calling back to Jennifer, it
6 seems to me like there must have been some sort of
7 communication that may have violated the Court's
8 sequestration order about the content of the testimony that
9 has been adduced at this hearing.

10 MR. MCVEIGH: I can assure Your Honor that the
11 request that was made of Jennifer was perfectly in
12 accordance with your order.

13 JUDGE STEINBERG: Okay, Mr. Pedigo?

14 MR. PEDIGO: The last thing I would like to cover
15 at this time before our break is that even though we got in
16 the case rather late, right before the depositions, these
17 witnesses were asked to give handwriting exemplars. They
18 did that at a time when they expressly knew who signed what
19 document on June 18th and June 22nd was the key issue to
20 this case. So if you did not bring it up at that time even
21 on their direct testimony, and now to get it at this late
22 date I think it goes beyond just surprise.

23 I mean, there is something else that I don't like
24 about the feel of that. But they had a motive and they had
25 every reason to bring this up when they are giving

1 handwriting exemplars that cover who signed what document on
2 June 22nd. That happened last November, well before the
3 direct case.

4 JUDGE STEINBERG: Okay. Let me play devil's
5 advocate.

6 MR. MCVEIGH: Your Honor, my clients haven't be
7 put a direct case in.

8 JUDGE STEINBERG: Well, let me -- well, I think we
9 know we're talking about the case. Let me play devil's
10 advocate and tell you what I am thinking.

11 I am thinking that, and I don't want Mr. McVeigh
12 to repeat this to his client, I'm sure he won't, but from my
13 experience people go through depositions, and it's the first
14 time that they are faced with the questions that they are
15 asked, and then they leave the depositions, and months pass
16 and they think and they think and they think and they think,
17 and they remember more and more and more and more. And then
18 all of a sudden get to the hearing and answers during the
19 course of a deposition turn out not to be quite accurate
20 because of things that they remember after their
21 depositions.

22 And if this is one of those things, gee, we didn't
23 remember until after the deposition that we were in
24 Junction, then I think there is a reasonable basis for them
25 not mentioning it in their depositions unless somebody

1 asked, "Where were you on 6-22-96?" And even then without a
2 calendar, I wouldn't know where I was without a calendar on
3 a specific date three years ago. And that's what is
4 bothering me. Maybe we need a little bit more development
5 of this, but I would hate to -- I would hate to exclude a
6 document that might turn out to be an important piece of
7 evidence that the Commission might need in order to render a
8 decision in this case.

9 And in terms of yes, I recognize that it's a
10 surprise, and yes, I recognize that it may be coming at the
11 eleventh hour, but I assure you if I receive the exhibit,
12 and I might withhold ruling until we even hear Norma's
13 testimony on this. But I might say take however much time
14 you need within reason to prepare to cross-examine on this
15 document and on this matter.

16 I mean, I'm letting you know what my concerns are,
17 sort of thinking out loud.

18 So let's take a 15-minute break. What is it,
19 3:07, 3:22 or thereabout.

20 (Whereupon, a recess was taken.)

21 JUDGE STEINBERG: I haven't decided anything, but
22 what I have decided is I want to hear -- since this relates
23 to an application that purports to have been Norma's
24 signature, I think I should withhold ruling until after I
25 have heard from Norma.

1 But if Mr. Romney and Mr. Pedigo have any voir
2 dire or any cross-examination with respect to Exhibit 70 for
3 identification, you should ask Mr. Sumpter now. If the
4 exhibit is rejected, then we can, perhaps after the
5 transcript, in fact, we can move to strike whatever portions
6 relate to this.

7 So I suggest that if you have any questions either
8 on voir dire or cross-examination nature or if you want to
9 combine them all during cross-examination, that you should
10 do so on Exhibit 70.

11 MR. PEDIGO: But Your Honor, you are going to
12 reserve ruling on this until after hearing Ms. Norma
13 Sumpter?

14 JUDGE STEINBERG: Yes.

15 MR. PEDIGO: Thank you, Your Honor.

16 JUDGE STEINBERG: And I think -- I think it would
17 make more sense because it does relate to her ability to
18 sign something.

19 Okay, Mr. Kellett.

20 MR. KNOWLES-KELLETT: Thank you.

21 BY MR. KNOWLES-KELLETT:

22 Q So am I characterizing your -- actually, I would
23 like you to turn to Exhibit 37, page 30.

24 A It's in this other book.

25 Q Right.

1 A Thirty-seven, page 30. Yes, sir.

2 Q This, I believe you -- am I properly
3 characterizing you signed this to transfer your license to
4 Ron Brasher/DLB/Metroplex?

5 A Yes, sir.

6 Q Were you given any compensation for signing this
7 assignment application?

8 A No, sir.

9 Q Was any requested?

10 A No, sir.

11 Q Was any offered?

12 A No, sir.

13 Q I would like you to turn in the big book to -- at
14 the front of the book there is an 11-page or so letter.

15 A Okay.

16 Q In Exhibit 19, the big book, there is an 11-page
17 or so letter at the beginning of the book.

18 JUDGE STEINBERG: You want -- it starts with page
19 000.

20 MR. KNOWLES-KELLETT: Correct.

21 BY MR. KNOWLES-KELLETT:

22 Q And I would like you to turn to page 003.

23 A Three. Okay.

24 Q And I would like you to read paragraph 4(b) to
25 yourself?

1 A 4(b)?

2 Q 4(b).

3 A Okay.

4 (Witness reviews document.)

5 THE WITNESS: All right, sir.

6 BY MR. KNOWLES-KELLETT:

7 Q Okay, with respect to the station licensed in your
8 name, were you willing to fulfill the duties of a Commission
9 licensee?

10 A No, sir.

11 Q Okay. Were you willing to participate in the
12 funding of the construction of facilities?

13 A No, sir.

14 Q Were you willing to participate in the funding of
15 the cost of operation?

16 A No, sir.

17 Q Were you willing to accept the risk of failure of
18 the business arising out of the operation of the facility?

19 A No, sir.

20 Q And were you willing to actively participate in
21 the sales and service of equipment to the be provided to
22 customers?

23 A No, sir.

24 JUDGE STEINBERG: Why don't you ask the same
25 questions in terms of did anybody discuss --

1 MR. KNOWLES-KELLETT: Okay.

2 JUDGE STEINBERG: -- or ask you to do these
3 things.

4 BY MR. KNOWLES-KELLETT:

5 Q Did anybody discuss these matters with you?

6 A No. No, sir. No one discussed anything with me.
7 I didn't know I had a license until I got that petition to
8 show cause.

9 Q Okay. I would like you to turn to paragraph
10 10(a). It's on page 9, I think.

11 A Can I -- here?

12 (Witness reviews document.)

13 THE WITNESS: Okay, I've read it.

14 BY MR. KNOWLES-KELLETT:

15 Q Do you see there that it discusses a loan that the
16 licensee agreed to take with DLB?

17 A Yes, sir.

18 Q Did you discuss that type of loan with anyone?

19 A Absolutely not.

20 Q Did you agree to any such thing?

21 A No, sir.

22 Q Okay, I would like you to turn to Exhibit 56.

23 A In the other book?

24 Q In the other book, if you would.

25 Did you write this letter?

1 A Yes, sir.

2 Q Was it your words or Melissa's words or a
3 combination?

4 A It's probably -- they were my words.

5 Q Okay. In the first sentence where you referred to
6 a radio channel in the Dallas area, were you referring to
7 something obtained from an application in '96 or something
8 obtained earlier?

9 MR. ROMNEY: Objection; leading, Your Honor.

10 JUDGE STEINBERG: Sustained.

11 MR. KNOWLES-KELLETT: Okay.

12 BY MR. KNOWLES-KELLETT:

13 Q Can you describe what you were -- what time period
14 you were referring to? Did you have knowledge of when the
15 radio channel had been applied for?

16 A I didn't have --

17 MR. ROMNEY: Objection; compound.

18 JUDGE STEINBERG: Sustained.

19 BY MR. KNOWLES-KELLETT:

20 Q What were you referring to in the first line?

21 A That we only or she only became recently aware
22 that she was the owner of this -- I called it a radio
23 channel or radio station or radio license, whatever, and
24 that at that point there was an assumption that the one that
25 she had gotten earlier had been transferred. So it was like

1 a new deal.

2 Am I clear?

3 Q No, I'm not sure exactly what you were referring
4 to.

5 A Well, the fact -- if I might go on. The fact that
6 this did not apply to her prior radio station, the one that
7 we knew that she had signed earlier.

8 Q Did you know that it did not apply to that?

9 A No, but we said there, "I knew you had used my
10 name, and I understood if I got a channel, then it would
11 immediately be transferred to your name," talking to Ronald.

12 Q Did you have any knowledge of any subsequent
13 application when you wrote this letter?

14 A No, we were just confused, just completely
15 confused. We didn't know what the situation was.

16 Q Okay. Did you have discussions with Melissa
17 before drafting this letter?

18 A I'm sure I did; told her about the -- she had read
19 that petition to show cause from Net Wave.

20 Q Okay.

21 A Or had seen it, you know.

22 (Pause.)

23 MR. KNOWLES-KELLETT: Pass the witness, Your
24 Honor.

25 JUDGE STEINBERG: Let me ask Mr. Romney before you

1 start, do you need additional time to consider Exhibit 70
2 before you ask questions about it? Or you want to reserve
3 on that?

4 MR. ROMNEY: I certainly do.

5 JUDGE STEINBERG: Okay.

6 MR. ROMNEY: I mean, I'll ask some questions now.
7 I'm prepared to ask some questions.

8 JUDGE STEINBERG: Okay, because I want to give you
9 an adequate opportunity to prepare for that, and Mr. Pedigo
10 too. But if there is something you can go forward with now
11 and then think about that later, then we can proceed, but
12 I'll leave it up to you.

13 MR. ROMNEY: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. ROMNEY:

16 Q Good afternoon, Mr. Sumpter. My name is Mark
17 Romney. I believe I met you at the deposition; is that
18 correct?

19 A Yes, sir. How are you?

20 Q I'm fine. I do have a few questions for you about
21 your testimony today.

22 A Yes, sir.

23 Q Let's start with that last thing that you were
24 asked by Mr. Pedigo.

25 Do you recall, sir, getting the Net Wave petition?

1 A Receiving it?

2 Q Yes, sir.

3 A Yes, sir.

4 Q And did you discuss that with Melissa?

5 A Yes, sir.

6 Q Did you tell Melissa what the Net Wave petition
7 meant to her?

8 A I wasn't sure what it meant to me.

9 Q Please describe for the Court your discussions
10 with Melissa about the Net Wave petition.

11 A Told her that was there was paper came in the
12 mail, had her name on it along with us. We didn't
13 understand what it was. It had something to do with Ronald.

14 Q Did you understand at that time when you saw the
15 Net Wave petition that Melissa had a license previously?

16 A I knew she had signed a license, an application in
17 prior years, and that supposedly that was transferred.

18 Q And you knew she had a license issued in her name
19 at that time?

20 A I didn't know it. I knew she had signed an
21 application.

22 Q Did you testify -- did you ever have any knowledge
23 that either Norma, Melissa or Jennifer had a license?

24 A I knew they had signed applications.

25 Q Did you believe that they had licenses?

1 A Sir, I didn't know if they had a license or not.

2 MR. ROMNEY: Well, I would ask the witness -- if
3 someone could give the witness a copy of the deposition, I
4 would appreciate it.

5 (Pause.)

6 JUDGE STEINBERG: Doesn't the witness have a copy
7 of his own deposition that he can refer to? Would that be
8 okey?

9 MR. ROMNEY: That's fine.

10 THE WITNESS: I don't have one with me.

11 MR. ROMNEY: I have no problem, Your Honor.

12 JUDGE STEINBERG: Oh, okay. Well, I guess your
13 witness doesn't have it with him.

14 Do you have it, Mr. McVeigh? Okay. Thank you,
15 Mr. McVeigh.

16 Does anybody mind if Mr. McVeigh looks over the
17 witness's shoulder?

18 MR. ROMNEY: As long as he doesn't whisper in his
19 ear, it's fine with me, Your Honor.

20 JUDGE STEINBERG: Okay, I guess I can monitor.

21 MR. ROMNEY: Thank you.

22 BY MR. ROMNEY:

23 Q I would ask you to turn to page 164 of your
24 deposition, sir. Turn to page 164, line six, beginning with
25 line six and continuing to line nine. Let me read those for

1 you, please, sir.

2 "Okay. So is it your understanding, sir, that
3 your wife and your daughters had FCC licenses at one time,
4 but only back in the late eighties and early nineties?"

5 Answer" "Yes, sir."

6 A Yes, sir.

7 Q So it was your understanding, at least at the time
8 of the deposition on December 4, 2000, that back in the late
9 eighties or early nineties your wife and your daughters had
10 licenses?

11 A I'm not sure if I knew they had a license. I knew
12 they had signed applications. I never saw the license, Mr.
13 Romney.

14 Q Okay.

15 A I never saw the license myself. So can I say to
16 you that I knew they had a license?

17 Q Pardon?

18 A I can't say to you I know they had a license.

19 Q So if you intend -- if someone were to read that
20 Exhibit -- that deposition, page 164, line six through nine,
21 and understand you to say that you understood that they had
22 licenses, they would be mistaken; is that correct?

23 A I have an understanding they had license. I never
24 saw the license, that's what I am saying.

25 Q That's my question to you, sir. The first